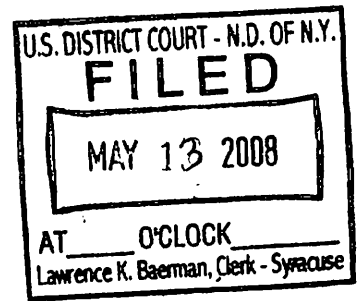


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA, for the use and benefit
of JACK OF HEARTS CARPET MILL OUTLET INC.,

Plaintiff,

-vs-

STIPULATION OF
DISMISSAL
PURSUANT TO
FRCP 41(A)(1)(ii)

THE HAYNER HOYT CORPORATION and TRAVELERS
CASUALTY & SURETY COMPANY OF AMERICA

C.A. No.:
5:07-CV-1007

Defendants.

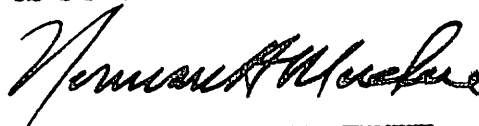
The above-entitled action having become moot by virtue of a settlement reached between the parties, and no party hereto being an infant, incompetent or a person for whom a committee or conservator has been appointed; and no person not a party hereof has an interest in the subject matter of the action; it is hereby stipulated and agreed by and between the attorneys for the respective parties herein that the above-entitled action be and the same hereby is dismissed with prejudice and without costs to either party as against the other, upon the filing of this stipulation with the clerk of the court pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

Dated: April 29, 2008

s/Lorraine Rann Mertell
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IT IS SO ORDERED.



Norman A. Mordue
Chief Judge

Dated: May 13, 2008

s/Thomas P. Givas

THOMAS P. GIVAS, ESQ

Bar Roll Number: 301160

Attorney for Plaintiff

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